

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT NO. 1052

T03-0090

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), the Catlin Township Highway Department ("Township"), and the State of Illinois, Department of Transportation ("Department").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the TR 158 highway-rail grade crossing of the Company's track located near the Village of Catlin, Vermillion County, Illinois, designated as crossing AAR/DOT479 880H, milepost 310.23WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team comprised of representatives of the Department, Company, and Commission's Transportation Division, Rail Safety Section staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the

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interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The installation of an advance warning sign on the south highway approach to the TR 158 crossing.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvement, which it may be required to perform. Said estimate is attached as Exhibit B. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4 The Company and Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and the Company agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement. The Township agrees that an appropriate time for the posting of the advance warning sign should be one (1) month from the date of this Order.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Section 2(a) is estimated to be \$210,000. The Grade Crossing Protection Fund should pay 90% of the actual installation cost (not to exceed \$189,000). The Township should pay 5% of the actual installation cost (not to exceed \$10,500). The Company should pay any remaining installation costs, as well as all future operating and maintenance costs. (See Exhibit B)
- (b) The cost to install and maintain an advance warning sign on the south highway approach to the crossing should be paid 100% by the Township.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions: Since the warning device improvement at the subject crossing will be performed by railroad crews, flagging or contractor liability insurance will not be required for said work.

The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized reimbursable from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

The grades of the highway approaches for the first 25 feet to the crossing are not in compliance with the requirements of 92 Ill. Adm. Code 1535.204. However, the grades are not that far out of compliance and expending time and resources to bring the approaches into compliance is not practical or economically feasible. The Township should be granted a variance from the grade requirements of 92 Ill. Adm. Code 1535.204 and be allowed to maintain the highway approaches to the existing grades.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

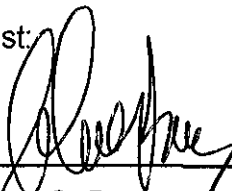
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 21st day of July, 2003.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Robert S. Berry
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1052 concerning improvements at the TR 158 highway-rail grade crossing of the Norfolk Southern Railway Company's track near the Village of Catlin, ~~Madison~~ *VERMILION* County, Illinois, designated as crossing AAR/DOT 479 880H, milepost 310.23WA.

Executed by the Township of Catlin this 4TH day of August 2003.

TOWNSHIP OF CATLIN

By: *Donnell E. Richardson*
Road Commissioner

Attest:

Ron Smart
Catlin Township Clerk

RECEIVED
AUG 11 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1052 concerning improvements at the TR 158 highway-rail grade crossing of the Norfolk Southern Railway Company's track near the Village of Catlin, Madison County, Illinois, designated as crossing AAR/DOT 479 880H, milepost 310.23WA.

Executed by the Company this 14th day of August 2003.

NORFOLK SOUTHERN RAILWAY COMPANY

By: JR Crystock
General Manager

Attest:

Maureen M. Mulvey
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 1052 concerning improvements at the TR 158 highway-rail grade crossing of the Norfolk Southern Railway Company's track near the Village of Catlin, Madison County, Illinois, designated as crossing AAR/DOT 479 880H, milepost 310.23WA.

Executed by the Department this 3rd day of September 2003.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: Victor A. Moders
Director of Highways

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION:

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 880H, milepost 310.23WA
STREET, CITY, COUNTY	TR 158; Catlin Township, Vermilion County
JURISDICTION (RDWY)	Catlin Township
LOCATION	Rural/Residential
STREET SURFACE	Gravel, 18 feet wide, Good

CROSSING DATA: Also see Exhibit A, page 3, for roadway profile and track centers

TRACK (W-E)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Concrete	27 feet	Good
Main	Concrete	27 feet	Good

ROADWAY DATA: See Exhibit A, page 3

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	109 Vehicles Per Day @ 55 MPH (not posted); (0% Trucks)
TRAFFIC TYPE	Passenger, Hazardous Materials, Farm Chemicals
ADVANCE WARNING	North only
PAVEMENT MARKING	No

RAILROAD DATA: See Exhibit A, page 1

FREIGHT TRAFFIC	45 Per day @ 60 MPH, Day & night movements
PASSENGER TRAFFIC	0 Per day
WARNING DEVICES	Crossbuck signs

NOTES: The angle of the crossing to the roadway is 85°.

VISIBILITY STUDY: See Comments below.

Train Speed	N/A	MPH
Roadway Speed	N/A	MPH
Required Stopping Sight Distance (SSD)	N/A	
Along Roadway	N/A	FEET
Along Tracks	N/A	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	N/A	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	N/A	N/A	N/A	N/A
NW	N/A	N/A	N/A	N/A
SE	N/A	N/A	N/A	N/A
SW	N/A	N/A	N/A	N/A

APPROACH GRADES: See Exhibit A, page 3

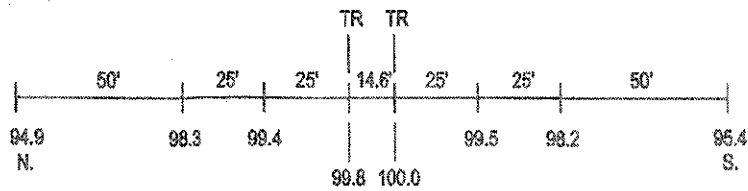
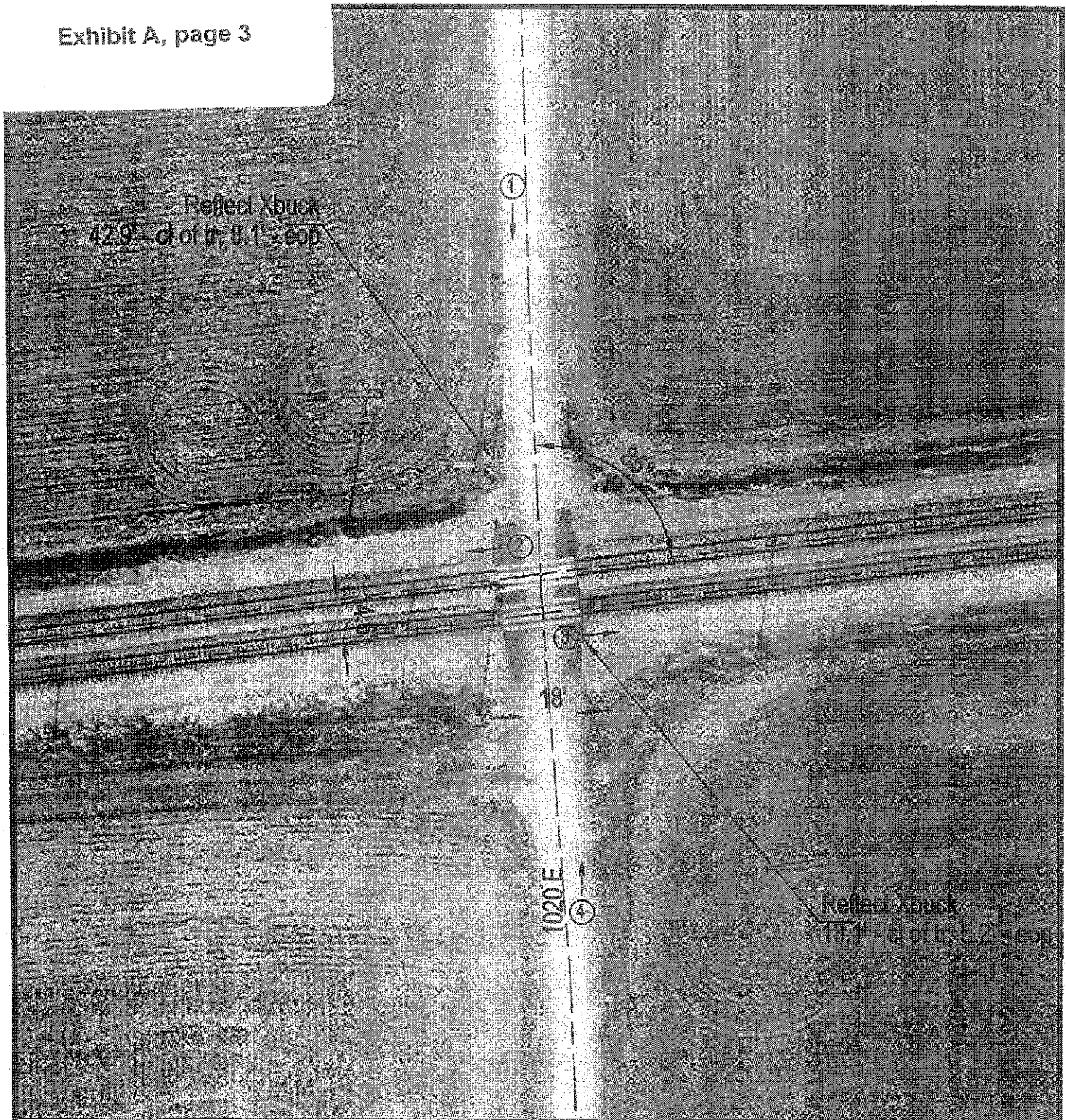
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25 Ff	-6 Ft	2.4*	25 Ft	.5 Ft	2.0*
50 Ff	-1.7 Ft	3.4	50 Ff	1.8Ft	3.6

* Does not meet minimum requirements of 92 Illinois Administrative Code 1535.204.

COMMENTS: Existing conditions at this crossing meet the Commission's minimum requirements for the installation of automatic flashing light signals and gates. (The product of the average daily train and vehicular traffic exceeds 3,000). Therefore, it is not necessary to conduct a visibility study.

The grades of the highway approaches for the first 25 feet to the crossing do not meet the minimum requirements of 92 Illinois Administrative Code (IAC) 1535.204. However, expending time and resources to bring the approaches into compliance is not practical or economically feasible. The Township should be granted a variance from the grade requirements of 92 (IAC) 1535.204, and be allowed to maintain the highway approaches to the existing grades.

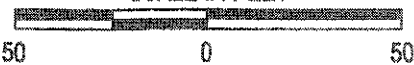
Due to the poor financial condition of the Township, the Fund is paying 5% of the normal 10% local share for the cost of the warning device installation. Without this contribution, the project will not proceed due to a lack of funds by the Township.



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #:	479880H
Location:	Vermillion Co., City of Catlin (N)
Lat/Long:	40°03'16" / 87°44'55"
Railroad:	NS
Street:	1020 E
Railroad Milepost:	310.23
Crossing Protection:	Signs

Norfolk Southern Railway Company - Signal Engineering Department

Ball-Park Estimate for Automatic Grade Crossing Warning Devices

City / State:	Catlin, Illinois	Road:	Camp Drake Rd.
Milepost:	D-310.23	DOT/AAR Number:	479 880H
Type Project:	New Installation	County:	Vermilion
S&E Project:	04.0420	State Project No.:	
Man Days:	0	File Number:	061-04.405

***** Purchases - Others *****

Meals and Lodges:	\$	9,940.00	
Rental of Equipment: (2 Trucks, 1 Backhoe w/Trailer and 1 Pipe-Pusher for: 30 Days)	\$	21,730.00	
Construction Supervision Vehicle:	\$	410.00	
Contingencies:	\$	570.00	
Purchases - Others Total:			\$ 32,650.00

***** Material and Additives *****

Material Cost:	\$	97,500.00	
Sales and Use Tax:	\$	4,870.00	
Freight Charges:	\$	9,260.00	
Material Total:			\$ 111,630.00

***** Labor and Additives *****

Labor Cost: (4 Man Crew at \$0.00 a Day for: 30 Days)	\$	25,560.00	
Payroll Taxes and Overheads:	\$	22,120.00	
Preliminary Engineering:	\$	10,820.00	
Construction Supervision:	\$	7,220.00	
Labor Total:			\$ 65,720.00
		Subtotal:	\$ 210,000.00
		Credit (salvage/Scrap):	- 0.00
		Total ProjectCost:	\$ 210,000.00

Estimate Date: 05/05/03

Estimated By: R. H. Ray

Annual Maintenance Fee: \$0.00

(If \$0.00, does not apply)

**This Estimate Provided To Aid In Preparation And Planni
Of This Project And Is Valid For One Year From Date.**

Exhibit B

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 8/4/03

Agreement # 1052

The _____
(Board or Council of Township, Village, City, County, etc.)

meeting on _____, Resolved to authorize _____
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and
that the CATLIN TOWNSHIP ROAD DISTRICT is financially willing and able to
(Township, Village, City, County)

bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.

*THE ROAD COMMISSIONER IS THE DESIGNATED AGENT
BY ELECTION.*